

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No.: 16-20543

Honorable: Terrence G. Berg

v.

QUADRICE L. SHELBY,

Defendant.

PRELIMINARY ORDER OF FORFEITURE

The United States filed an Application for Entry of Preliminary Order of Forfeiture based upon the Indictment and the terms of defendant Quadrice L. Shelby's Rule 11 Plea Agreement ("Rule 11"), and defendant's guilty plea to Count One of the Indictment (Felon in Possession of a Firearm in violation of 18 U.S.C. § 922(g)(1)).

NOW THEREFORE, based upon defendant Quadrice L. Shelby's acknowledgment of criminal forfeiture proceedings, defendant's Rule 11 and guilty plea, the government's Application for Entry of Preliminary Order of Forfeiture and the information in the record, **IT IS HEREBY ORDERED AND ADJUDGED THAT:**

1. Pursuant to 18 U.S.C. § 924(d)(1), defendant Quadrice L. Shelby shall forfeit to the United States any property which is involved in the offense of conviction in violation of 18 U.S.C. § 922(g)(1).
2. One Glock, Model 19C, 9mm, semi-automatic pistol, SN: TDT072 is determined to be property involved in the offense of conviction (hereafter “Subject Property”).
3. Pursuant to 18 U.S.C. § 924(d)(1), the Subject Property IS HEREBY FORFEITED to the United States for disposition in accordance with the law, and any right, title or interest of defendant Quadrice L. Shelby, and any right, title or interest that his heirs, successors, assigns have or may have in the Subject Property IS HEREBY AND FOREVER EXTINGUISHED.
4. The Subject Property was involved or used in defendant Quadrice L. Shelby’s violation of 18 U.S.C. § 922(g)(1), so there is a sufficient nexus between such violation and the Subject Property.
5. This forfeiture order will become final as to defendant Quadrice L. Shelby’s at the time defendant is sentenced by the Court.
6. Upon entry of this Preliminary Order of Forfeiture, the United States Attorney General or his designee is authorized to commence any applicable proceeding to comply with the statutes governing third party rights,

including giving notice of this Order.

7. Upon entry of this Order, the United States shall publish on www.forfeiture.gov notice of this Preliminary Forfeiture Order and of its intent to dispose of the Subject Property in such manner as the Attorney General may direct, pursuant to 21 U.S.C. § 853(n). Said notice shall direct that any person other than defendant Quadrice L. Shelby asserting a legal interest in the Subject Property may file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. The petition shall be for a hearing before the Court alone, without a jury and in accordance with 21 U.S.C. § 853(n), to adjudicate the validity of the petitioner's alleged interest in the Subject Property. The petition must be signed by the petitioner under penalty of perjury and must set forth the nature and extent of the petitioner's alleged right, title or interest in the Subject Property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the Subject Property, any additional facts supporting the petitioner's claim, and the relief sought. The United States may also, to the extent practicable, provide direct written notice to any person or entity known to have an alleged interest in the Subject Property.

8. After the disposition of any motion filed under Fed.R.Crim.P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.
9. The United States shall have clear title to the Subject Property following the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(2) for the filing of third party petitions.
10. This Order shall be made part of defendant Quadrice L. Shelby's sentence in this case and incorporated into his Judgment.
11. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

IT IS SO ORDERED.

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Dated: March 2, 2017
Flint, Michigan